

REMARKS

Claims 1-9 are pending in the application.

Claims 4-6, 8 and 9 are allowed.

Claims 1-3 are rejected.

Claims 1-3 are rejected under 35 U.S.C. 103(a).

No new matter is added.

Claims 1-9 remain in the case for consideration.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pan, et al., U.S. Patent No. 5,869,396 ("Pan") in view of Chappell, et al., U.S. Patent No. 5,541,427 B1 ("Chappell").

The applicant respectfully traverses the rejections.

Claim 1 recites "exposing a surface of said silicon gate layer of said gate lines through said etch stop layer."

On the contrary, Chappell does not teach exposing a surface of a silicon gate layer 20. In contrast, FIG. 4 shows the result of planarizing the passivating layer 36 down to the top of gate stacks 18 (Col. 4, lines 25-28). This merely exposes an aluminum oxide layer 32. However, the silicon gate layer 20 is not exposed (Col. 3, line 61). That is, the opening 40 (FIG. 4) does not expose the silicon gate layer 20.

Therefore, for at least this reason, none of the cited reference, either alone or in combination, do not teach or suggest all of the limitations of claim 1. Accordingly, the rejection does not present a prima facie case of obviousness. Removal of the rejection is requested.

The applicant asserts that claims 2 and 3, which recite additional novel and non-obvious features of their base claim, are also in condition for allowance for their dependence and their own merits.

Claim 7 Not Mentioned in Office Action

Claim 7 was not mentioned in the office action mailed January 25, 2005, to which this response is directed.

In any case, the applicant asserts that claim 7, which recites additional novel and non-obvious features of its base claim, is also in condition for allowance for its dependence and its own merits.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 4-6 and 8-9 are allowed, as in the Office Action mailed January 25, 2005.

For the foregoing reasons, reconsideration and allowance of claims 1-9 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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Limited Recognition Under 37 CFR § 10.9(b)

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Name